

ORIGINAL

BTXN 100 (rev. 02/10)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2010 DEC 30 PM 12:08

DEPUTY CLERK

N7

121447

In Re:
Realty America Group Lincoln Mall, LP

Debtor(s)

Webb McCann Sowden, III and Jeffrey Christopher Berry

Appellant(s)

vs.

Rives E. Castleman, RAGLincoln GenPar, LLC, Ballard Castleman, Credit Union Liquidity Services, LLC f/k/a Texans Commercial Capital, LLC, and John H. Litzler, Chapter 11 Trustee

Appellee(s)

Case No.: 09-33076-sgj7

Chapter No.: 7

Adversary No.: 09-03133-sgj

Civil Action No.:

8-10CV2650-D

TRANSMITTAL AND CERTIFICATION OF RECORD ON APPEAL

Pursuant to Federal Rules of Bankruptcy Procedure 8007, the appeal filed on September 27, 2010 regarding [275] Memorandum of Decision and Order Granting Plaintiff's Amended Motion for Summary Judgment Against Defendants/CounterPlaintiffs, [406] Mediation Order, and [481] Order Denying Various PostTrial Motions for New Trials and for Disqualification of Bankruptcy Judge and (B) Lifting Automatic Stay in Voluntary Cases by Webb McCann Sowden, III and Jeffrey Christopher Berry in the above styled bankruptcy case is hereby transmitted to the U.S. District Court for the Northern District of Texas.

This record on appeal contains all items listed on the attached index, but is not in compliance with Rule 8006 of the Federal Rules of Bankruptcy Procedure and is deficient for the following reason(s):

- ☐ Appeal not timely filed.
- ☐ Appeal filing fee not paid.
- ☐ Appellant(s) failed to file designation of the record.
- ☐ Appellant(s)/Appellee(s) failed to provide or prepay for the items designated.
- ☒ APPELLANT RECORD: Volume 9, Tab 42, Pages 1895-1903 print not legible to review and Volume 14, Tab 79, Doc. 213, Exh. A & B missing, and Tab 96, Doc. 245 Exh A. missing.

All further pleadings or inquiries regarding this matter should be directed to the U.S. District Clerk's Office until such time as the appeal is fully processed in the U.S. District Court.

The above referenced record was delivered to the U.S. District Clerk's Office on December 30, 2010.

DATED: 12/30/10

FOR THE COURT:
Tawana C. Marshall, Clerk of Court

by: /s/Sheniqua U. Whitaker, Deputy Clerk



I hereby certify that the foregoing is a true copy of the original thereof now in my office this the 30 day of December 2010 at Dallas, Texas.

Tawana C. Marshall, Clerk
United States Bankruptcy Court
Northern District of Texas

By Sheniqua U. Whitaker Deputy

BTXN 116 (rev. 07/08)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

APPEAL SERVICE LIST

Transmission of the Record

BK Case No.: 09-33076-sgi11

Adversary No.: 09-03133-sgi

Received in District Court by: NT

Date: 12-30-10

Volume Number(s): 24 Appellants + 2 min. records

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US Trustee

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ORIGINAL

BTXN 150 (rev. 11/10)

In Re:
Realty America Group Lincoln Mall, LP

Credit Union Liquidity Services, LLC, fka Texans Commercial Capital
Plaintiff(s)

vs.

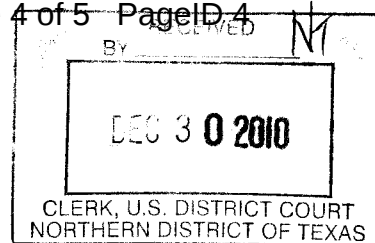
Rives E. Castleman et al.

Debtor(s)
Plaintiff(s)

Defendant(s)

Case No.: 09-33076-sgj7
Chapter No.: 7

Adversary No.: 09-03133-sgj



8-10CV2650-D

CIVIL CASE COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) APPELLANT

Webb McCann Sowden, III and Jeffrey Christopher Berry

(b) County of Residence of First Listed Party:
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
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APPELLEE

Rives E. Castleman, RAGLincoln GenPar, LLC, Ballard
Castleman, Credit Union Liquidity Services, LLC f/k/a Texans
Commercial Capital, LLC, and John H. Litzler, Chapter 11 Trustee

County of Residence of First Listed Party:
(IN U.S. PLAINTIFF CASES ONLY)

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II. BASIS OF JURISDICTION

☐ 1 U.S. Government Plaintiff ☐ 2 U.S. Government Defendant ☒ 3 Federal Question (U.S. Government Not a Party) ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

| | | | | | |
|---|-------------------------|-------------------------|---|-------------------------|-------------------------|
| Citizen of This State | <input type="radio"/> 1 | <input type="radio"/> 1 | Incorporated or Principal Place of Business In This State | <input type="radio"/> 4 | <input type="radio"/> 4 |
| Citizen of Another State | <input type="radio"/> 2 | <input type="radio"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="radio"/> 5 | <input type="radio"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="radio"/> 3 | <input type="radio"/> 3 | Foreign Nation | <input type="radio"/> 6 | <input type="radio"/> 6 |

IV. NATURE OF SUIT

☒ 422 Appeal 28 USC 158

☐ 423 Withdrawal 28 USC 157

☐ 890 Other Statutory Actions

V. ORIGIN

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from another district

☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
28 USC 158

Brief description of cause:
Notice of appeal of a bankruptcy court order

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

Judge:

Docket Number:

DATED: 12/30/10

FOR THE COURT:

Tawana C. Marshall, Clerk of Court

by: /s/Sheniqua U. Whitaker, Deputy Clerk

